

Department of Public Health
and Human Services

Section:
INCOME

FOOD STAMP PROGRAM

Subject:
Native American Income

Supersedes: FS 501-2 (04/01/04)

References: 7 CFR 273.2; 7 CFR 273.9; 7 CFR 273.11; P.L. 104-193 Section 807; 213; 221;

GENERAL RULE -- All unearned income received by the filing unit is considered when determining eligibility for the Food Stamp Program. All unearned income, whether countable or excluded according to policy, is entered and coded appropriately on the TEAMS UNIN screen.

INDIAN MONIES

Indian Monies may be countable or excluded depending on the source and amount.

The following Indian Monies are excluded sources; code 'ID':

1. Payments derived from leases or other uses of **individually-owned** trust or restricted lands up to \$2,000 per individual **per calendar year**. The amount in excess of \$2,000 must be counted.
2. Judgment claim payments under:
 - P.L. 97-408 to the Blackfeet, Grosventre and Assiniboiné Tribes of Montana and Papago, Arizona Tribe;
 - Alaska Native Claims Settlement Act (P.L. 92-203);
 - P.L. 93-532, Section 22 to Navajo or Hopi Indians as financial or relocation assistance;
 - P.L. 94-540 to Grand River Band of Ottawa Indians;
 - P.L. 95-433 by the Indian Claims Commission to the Confederated Tribes and Bands of the Yakima Indian Nation or the Apache Tribe of the Mescalero Reservation;
 - P.L. 96-420 to Passamaquoddy Tribe and Penobscot Nation pursuant to the Maine Indian Claims Settlement Act of 1980;
 - P.L. 97-403 to the Turtle Mountain Band of Chippewas;
 - P.L. 98-123, Section 3, to the Red Lake Band of Chippewa Indians;
 - P.L. 99-264 to the White Earth Band of Chippewa Indians in Minnesota;
 - P.L. 99-346 to the Saginaw Chippewa Indian Tribe of Michigan;

Section: INCOME

Subject: Native American Income

- P.L. 101-41 to the Puyallup Tribe of Indians Settlement Act to members of the Puyallup Tribe in Washington;
 - P.L. 101-503, Section 8 (b) to the Seneca Nation;
 - P.L. 103-436, Section 7 (b) Grand Coulee Dam Settlement Act to the Confederated Tribes of the Colville Reservation;
 - 25 USCS 1931 Indian Child Welfare assistance;
 - P.L. 98-500, Section 8, Old Age Assistance Claim Settlement Act except for per capita payments in excess of \$2,000; and,
 - Payments to the Seminole Nation of Oklahoma, Seminole Tribe of Florida, Miccosukee Tribe of Florida and independent Seminole Indians of Florida except for per capita payments in excess of \$2,000.
3. Payments derived from sub-marginal lands held in trust for the following tribes under P.L. 94-114:
- Bad River Band of the Lake Superior Tribe of Chippewa Indians of Wisconsin;
 - Blackfeet Tribe;
 - Cherokee Nation of Oklahoma;
 - Cheyenne River Sioux Tribe;
 - Crow Creek Sioux Tribe;
 - Lower Brule Sioux Tribe;
 - Devils Lake Sioux Tribe;
 - Fort Belknap Indian Community;
 - Assiniboine and Sioux Tribes;
 - Lac Courte Oreilles Band of Lake Superior; Chippewa Indians;
 - Keweenaw Bay Indian Community;
 - Minnesota Chippewa Tribe;
 - Navajo Tribe;
 - Oglala Sioux Tribe;
 - Rosebud Sioux Tribe;
 - Shoshone-Bannock Tribes; and,
 - Standing Rock Sioux Tribe.
4. Per capita to enrolled members of the following tribes when distributed under:
- P.L. 98-124, Section 5**
- Assiniboine Tribe of the Fort Belknap Indian Community and Assiniboine Tribe of the Fort Peck Indian Reservation.

P.L. 99-146, Section 6 (b), Docket 18S and 18U

- Bad River Reservation;
- Lac du Flambeau Reservation;
- Lac Courte Oreilles Reservation;
- Sokaogon Chippewa Community;
- Red Cliff Reservation;
- St. Croix Reservation;
- Keweenaw Bay Indian Community;
- Fond du Lac Reservation;
- Grand Portage Reservation;
- Nett Lake Reservation; and,
- White Earth Reservation.

P.L. 99-146, Section 6 (b), Docket 18C and 18T

- Lac Courte Oreilles Band of the Lake Superior Bands of Chippewa Indians;
- Bad River Bank of the Lake Superior Tribe of Chippewa Indians of the Bad River Reservation;
- Sokaogon Chippewa Community of the Mole Lake Bank of Chippewa Indians; and,
- St. Croix Chippewa Indians of Wisconsin.

P.L. 99-377 Section 4 (b)

- Chippewas of the Mississippi.

P.L. 94-189

- Sac and Fox Tribe of the Mississippi, Iowa and Oklahoma.

P.L. 97-458, 93-134 and 98-64

- Any other per capita payments of up to \$2,000 per person, per payment, from funds held in trust by the Secretary of the Interior.

5. Interest earned on excluded funds.

The following Indian Monies are countable sources:

1. Amounts exceeding \$2,000 per individual **per calendar year** received from leases or other uses of **individually-owned** trust or restricted lands; code 'ID' the amount up to and including \$2,000 on UNIN as a running total for the calendar year.

The best estimate of this year's income can be made on the previous 12-month's receipts of lease income as long as no significant change is expected.

The amount in excess of the \$2,000 in a calendar year should be annualized.

Previous 12 months receipts of lease income - $\$2,000 \div 12 =$ prospected monthly income.

2. Bureau of Indian Affairs (BIA) payments; 'OT';
3. Tribal payments; code 'OT';
4. Farm and grazing lease income from land other than trust or restricted lands; code 'LE';
5. Oil and gas royalties income from land other than trust or restricted lands; code 'RO';
6. Mineral rights income from land other than trust or restricted lands; code 'LE';
7. Interest payments; code 'DI'; and,

NOTE: Interest payments from excluded funds are excluded.

8. Transfers of countable monies from other Indian agencies.

≥

9. Per capita payments derived from casino profits operated by a tribe. The gross amount of payments are countable unearned income; code 'OF' on UNIN.

NOTE: If payments to children are placed in an inaccessible trust fund, they are excluded.

TP